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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,024	08/02/2001	Charles R. Weirauch	10971523-4	8145

7590 04/09/2004
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

DINH, TAN X

ART UNIT PAPER NUMBER

2653

DATE MAILED: 04/09/2004

12

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/921,024

Applicant(s)

WEIRAUCH ET AL.

Examiner

TAN X. DINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) _____ is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1) The amendment filed 2/09/2004 is acknowledged. New claim 2 is currently been added.

2) Claims *1 and 2* are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The rejection of the phrases " each pit corresponding to a form of control for access to the entire data storage medium " (claim 1, lines 6-7) and " the data structure comprising a data area " (claim 1, lines 3-4) in previously office action is repeated herein.

The phrase " one pit specifying control of access to the entire data storage medium " (claim 2, lines 4-5) is rejected with the same reasons set forth in claim 1 with the phrase " each pit corresponding to a form of control for access to the entire data storage medium " (claim 1, lines 6-7) above.

3) The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

4) (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5) Claims *1 and 2*, as understood by the meaning of 112, 2nd above, are rejected under 35 U.S.C. 102(b) as being anticipated

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by CURTIS et al (5,233,576).

CURTIS et al discloses a data storage medium having a control data stored in the form of a data structure as claimed in claims 1 and 2, comprising:

a data area includes information for control of access to regions of the data storage medium, a region is less than the entire data storage medium (Fig.2, control track 204 contains 3 sectors 302; Fig.4, data 408 controls of access to regions of the data storage medium);

a header comprises a set of bits, each bit corresponding to a form of control for access to the entire data storage medium (Fig.4, the header contains 402, 404 and 406 with sets of bits for specifying control access to the storage medium. In this case, the sector is media descriptor table which specifies the storage medium is WORM type or magneto-optical type and setting an accessing control suitable thereof. See column 5, line 8 to column 6, line 57).

6) Applicant's arguments filed 2/09/2004 have been fully considered but they are not persuasive.

First, the claims (claims 1 and 2) are unclear and cannot be understood since they did not show how " pit corresponding to a form of control for access to the entire data storage medium " and the specification does not have this teaching also. Since this feature is not old and well known in the art, the

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specification must provide in detail how to perform this function.

Second, data structure is a logical relationship among data elements, designed to support specific data manipulation functions. Therefore, data structure is not a physical device (for example, a storage medium) and cannot have an "area" as claimed in claims 1 and 2.

For that reason, the claims are still rejectable as shown above.

7) Applicant's arguments with respect to claims *1 and 2* have been considered but are moot in view of the new ground(s) of rejection.

8) Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAN X. DINH whose telephone number is (703) 308-4859. The examiner can normally be reached on Monday - Friday, 8:00AM - 5:30PM.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-3900.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system.

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Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).



TAN DINH
PRIMARY EXAMINER
April 7, 2004

Art Unit: 2653

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TAN DINH
PRIMARY EXAMINER
April 7, 2004